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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Uruguay

1. The Committee considered the twelfth to fifteenth periodic reports of Uruguay (CERD/C/338/Add.7) at its 1350th and 1351st meetings (see CERD/C/SR.1350 and 1351), on 12 and 13 August 1999. At its 1361st meeting (see CERD/C/SR.1361), on 20 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the State party in one document as well as for the additional information provided orally by the delegation. The Committee expresses its satisfaction for the resumption of dialogue with the State party, interrupted since 1991. The Committee is also pleased that the report follows the guidelines, in particular that it addresses the Committee's concluding observations relating to the previous report of the State party.

B. Factors and difficulties impeding the implementation of the Convention

3. While the Committee notes with appreciation the State party's long-term achievements in the field of human development, it is of the opinion that the de facto social and economic marginalization of the Afro-Uruguayan and indigenous communities has generated discrimination against them. These factors are significant obstacles to the full implementation of the Convention.

C. Positive aspects

4. The Committee welcomes the constitutional status granted to the protection of human rights and the recognition of the principle of equality

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of persons in the State party's Constitution designed to preclude any form of discrimination, including racial discrimination.

5. The Committee welcomes the State party's inclusion of information on the demographic composition of the State party, in line with the Committee's previous recommendation. This information has proven to be a very useful tool for evaluating the implementation of the Convention in the State party.

6. The Committee welcomes the establishment of a special Commission, consisting of representatives of the State party's Central Bank and the Bank of the Eastern Republic of Uruguay, to investigate the existence of Nazi funds within the State party's financial system as well as the cooperation of this Commission with the National Jewish Committee.

7. The Committee welcomes the participation of national non-governmental organizations in the preparation of the report.

8. The Committee notes with appreciation the inclusion of information on educational programmes to enhance Uruguayan society's understanding of the Afro-Uruguayan culture.

C. Principal subjects of concern

9. The Committee remains concerned about the insufficient information on the situation of ethnic groups living in the State party's territory. Concern is also expressed about the lack of information on special measures, such as affirmative action programmes, taken for the protection of the rights of disadvantaged ethnic groups such as Afro-Uruguayans and indigenous groups.

10. The Committee remains concerned about the lack of information on the effective enjoyment of the rights provided for in, especially, article 5 (c) and (e), and in particular by members of the Afro-Uruguayan and indigenous communities. In addition, concern is particularly expressed about the situation of women belonging to the Afro-Uruguayan community, who are victims of double discrimination on grounds of both their gender and race.

11. While taking note of the information on the existing legal mechanisms (*habeas corpus* and *amparo*), nevertheless, in view of the situation that only few cases of racial discrimination have reached the courts or administrative bodies, concern is expressed about the effective access to protection and remedies against acts of racial discrimination against, in particular, the Afro-Uruguayan and indigenous communities.

12. The absence of sufficient information on the teaching of human rights, in particular on the combating of racial discrimination, in the school curricula, as well as the lack of information on awareness-raising programmes to combat racial discrimination is a matter of concern.

D. Suggestions and recommendations

13. The Committee recommends that the State party include in its next report information on the political, economic and social situations of ethnic groups living in the State party's territory. The Committee requests the State party to establish specific protection measures, such as affirmative action programmes, for members of the Afro-Uruguayan and indigenous communities, to guarantee their enjoyment of all the rights enumerated in the Convention.

14. The Committee recommends that the State party take all appropriate legislative measures to ensure that article 4 of the Convention is fully reflected in domestic law. In particular, the Committee emphasizes the importance of adequately prohibiting and penalizing acts of racial discrimination, whether they are committed by individuals, organizations, public authorities or public institutions. In this connection, in order to better evaluate the implementation of article 4 (b) of the Convention, the

Committee requests the State party to include in its next periodic report the text of the relevant articles of the Penal Code which prohibit and penalize "illicit associations".

15. The Committee also recommends that the State party take immediate and appropriate measures to ensure the enjoyment of all the rights enumerated in article 5 of the Convention in particular by members of the Afro-Uruguayan and indigenous communities and provide further information on this subject. With respect to employment, education and housing, the Committee recommends that the State party take steps to reduce present inequalities and adequately compensate affected groups and persons for earlier evictions from their houses.

16. The Committee recommends that the State party establish special programmes aimed at facilitating the social enhancement of women belonging to the Afro-Uruguayan community, who suffer double discrimination on grounds of both their gender and race.

17. The Committee recommends that the State party make additional efforts to facilitate equal access to the courts and administrative bodies for persons belonging to the Afro-Uruguayan and indigenous communities, in order to ensure equality of all persons.

18. The Committee recommends that the next periodic report of the State party include information on measures taken in the field of teaching, education, culture and information in order to combat racial discrimination, in compliance with article 7 of the Convention. In this connection, the Committee further recommends that the State party consider providing education and training on racial tolerance and human rights issues to law enforcement officials, in accordance with article 7 of the Convention and its general recommendation XIII.

19. The Committee recommends that the State party consider the ratification to the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

20. The Committee suggests to the State party that this periodic report and these concluding observations be widely distributed.

21. The Committee recommends that the State party's next periodic report, due on 4 January 2000, be an updating report and that it address the points raised during the consideration of the report.